


AUG 20 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISIONJULIA C. DUDLEY, CLERK  
BY:   
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UNITED STATES OF AMERICA, )  
 )  
 ) Criminal No. 7:10cr00054-5  
v. )  
 ) 2255 MEMORANDUM OPINION  
 )  
SEAN ANTONIO ROBERTSON. )  
 ) By: Samuel G. Wilson  
 ) United States District Judge

Petitioner, Sean Antonio Robertson, a federal inmate proceeding *pro se*, filed a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, challenging his 2011 conviction and sentence. Upon review of the record, the court finds that Robertson's instant § 2255 motion must be dismissed as an unauthorized successive motion.

## I.

Robertson challenges his 188-month sentence for conspiring to distribute more than 50 grams of cocaine base, in violation of 21 U.S.C. § 846. Court records indicate that Robertson previously filed a § 2255 motion regarding the same conviction and sentence which this court denied. See Docket Entry Nos. 256, 260, and 261. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Robertson has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his petition as successive.<sup>1</sup>


<sup>1</sup> Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

**II.**

For the reasons stated, the court dismisses Robertson's motion as an unauthorized successive § 2255 motion.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTER:** This 20<sup>th</sup> day of August, 2012.

  
United States District Judge